

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

In re:	)	
	)	CIVIL ACTION NO. 05-11177-DPW
	)	(LEAD CASE)
M3POWER RAZOR SYSTEM	)	
MARKETING & SALES PRACTICES	)	
LITIGATION	)	MDL Docket No. 1704
	)	
	)	
THIS DOCUMENT RELATES TO:	)	
ALL CASES	)	
	)	

**DECLARATION OF TARAS P. KICK IN SUPPORT OF THE ATKINS GROUP'S  
RESPONSE TO DEARMAN GROUP'S APPLICATION FOR APPOINTMENT AS  
CLASS COUNSEL AND MCGEARY GROUP'S MOTION FOR APPOINTMENT OF  
INTERIM COUNSEL**

I, Taras Kick, hereby declare as follows:

1. I am an attorney licensed to practice in the State of California, and admitted to practice before the Central District of California. I am a shareholder in The Kick Law Firm, A.P.C., co-counsel of record with Kanner & Whiteley, LLC, counsel for Plaintiff Carlos Corrales (in Case No. 05-cv-12332-DPW) and Plaintiff Kasem Adoure (in Case No. 05-cv-12336-DPW) in this MDL proceeding (MDL No. 1704, Master File No. 05-cv-11177-DPW). I make this declaration in support of the Atkins Group's Response To Dearman's Group's Application For Appointment As Class Counsel And McGeary Group's Motion For Appointment Of Interim Counsel With Suggestions As To Liaison Counsel And Organizational Structure. I make this declaration of my own personal knowledge, and would and could testify completely to the contents thereof if necessary to do so.

2. On July 20, 2005, I requested Gillette's counsel to meet and confer regarding a motion for class certification that Plaintiff Carlos Corrales intended to file. On August 9, 2005, Gillette's counsel, represented by Kent Raygor and Jade Zike of Sheppard Mullin Richter & Hampton LLP, met in the conference room of The Kick Law Firm, APC, with Plaintiff Carlos Corrales' counsel, represented by myself, G. James Strenio, and Thomas G. Martin of The Kick Law Firm, APC.

3. At this meeting, Mr. Raygor asked us whether or not we were "afraid of ostracizing [ourselves]" from settlement discussions with Gillette by actively prosecuting the case on behalf of Mr. Corrales and the putative class. Mr. Raygor stated that if plaintiffs stopped litigating the case in the affirmative manner that they were, including dropping the motion for class certification, Mr. Raygor would recommend to Gillette's Boston counsel that this firm be made a part of the settlement negotiations that were ongoing between Gillette and certain other plaintiffs' firms. Mr. Raygor further stated that if we insisted on continuing to prosecute the action as we were, we would never be invited into these settlement discussions. Believing that the best interests of the class was to continue litigating the case instead of engaging in premature settlement discussions, we rejected Gillette's offer. And, on August 19, 2005, Plaintiff Carlos Corrales filed his motion for class certification.

4. On November 7, 2005, Thomas Shapiro of the Dearman Group, on behalf of his firm and "several other firms with whom [he has] been working," invited the attorneys in the actions to a meeting in Boston to be held barely one week later, on November 16, 2005. [A true and correct copy of the letter dated November 7, 2005 from Mr. Shapiro received by me is attached hereto as Exhibit A.] On November 14, 2006, Mr. Shapiro informed the attorneys that

the meeting would be held at the Omni Parker House in the Longfellow Room. [A true and correct copy of the letter dated November 14, 2005 from Mr. Shapiro received by me is attached hereto as Exhibit B.]

5. Mr. Shapiro failed to provide any opportunity for attorneys who could not attend physically to attend telephonically. When G. James Strenio of my office called on the morning of November 16, 2005, asking for the telephone call-in information for the Boston meeting, Mr. Shapiro's office told him that there was no telephone call-in information. Later, Mr. Shapiro stated that there was no telephone call-in information because the hotel where the meeting took place did not have the capability of handling a conference call. Because this statement seemed a little unusual to me, I took the liberty of calling the Omni Parker House on January 4, 2006 to investigate. I spoke with Stan Pendrak, the catering manager of the Omni Parker House located at 60 State Street. I asked him whether the Longfellow Conference room at the hotel can accommodate a speaker phone for a conference call. He said of course, and sounded a little surprised that I would ask that question. He said the charge for the Longfellow room itself would be \$350, and the charge for the phone line rental would be \$100, and there would be an additional \$100 charge for a speaker that the hotel would set up set up to go along with the phone line. He sounded like he might be willing to lower the prices because he asked me whether I also am speaking with other hotels. I informed Mr. Shapiro of the results of this investigation by

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sending him an email on January 4, 2006, a true and correct copy of which is attached hereto as Exhibit C.

I declare under penalty of perjury, pursuant to the laws of California and the United States of America, that the above is true and correct and that this declaration was executed at Los Angeles, California on February 24, 2006.

  
TARAS P. KICK



# SHAPIRO HABER & URMY LLP

Attorneys at Law

Thomas G. Shapiro  
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Thomas V. Urmy, Jr.  
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Lawrence D. Shubow  
Alfred J. O'Donovan

E-mail:  
tshapiro@shulaw.com

November 7, 2005

**VIA FACSIMILE OR  
UNITED STATES MAIL**

Re: *In re M3Power Razor Systems Marketing & Sales Practices Litigation*  
MDL No: 1704

Dear Plaintiffs' Counsel:

As you are aware, the Judicial Panel on Multidistrict Litigation has ordered that all of the pending Gillette cases involving the M3P Razor be transferred to Boston for consolidated proceedings. My firm and several other firms with whom we have been working would like to host a meeting in Boston to discuss the prosecution of the case by plaintiffs. We will hold a meeting on November 16 at 10:00 a.m. The meeting will be held either in my office or in a meeting room at a nearby hotel, depending upon the number of persons who plan to attend.

Please let me know who, if anyone, will be attending from your firm. I look forward to meeting you.

Sincerely yours,



Thomas G. Shapiro

TGS:sg

SHAPIRO HABER & URMY LLP

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## FACSIMILE COVER SHEET

NUMBER OF PAGES TRANSMITTED INCLUDING THIS PAGE: 5

From: Thomas G. Shapiro

Re: Gillette

Date: November 7, 2005

COMMENTS:

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Corey Holzer Michael Fistel	(770) 392-0029
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Frank L. Watson, III William F. Burns	(901) 578-2649
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Lance A. Harke	(305) 536-8229
Joseph DePalma Susan Pontoriero	(973) 623-0211

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Steven Schwartz	(610) 649-3633
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James E. Miller     Karen M. Leser Patrick A. Kligman	(860) 526-1120
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**EXHIBIT B**

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Re: Gillette

Date: November 14, 2005

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November 14, 2005

**VIA FACSIMILE**

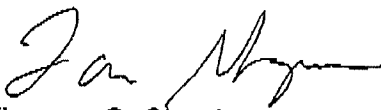
Re: *In re M3Power Razor Systems Marketing & Sales Practices Litigation*  
MDL No: 1704

Dear Plaintiffs' Counsel:

The meeting scheduled for November 16 at 10:00 a.m. will be held at the Omni Parker House, 60 School Street, Boston, MA 02108 in the Longfellow Room.

I look forward to meeting you.

Sincerely yours,

  
Thomas G. Shapiro

TGS:sg





**James Strenio**

---

**From:** Taras Kick  
**Sent:** Wednesday, January 04, 2006 1:31 PM  
**To:** James Strenio  
**Subject:** FW: Gillette

Taras Kick  
The Kick Law Firm, APC  
660 S. Figueroa Street, Suite 1800  
Los Angeles, CA 90017  
Phone: (213) 624-1588  
Fax: (213) 624-1589

-----Original Message-----

From: Taras Kick  
Sent: Wednesday, January 04, 2006 1:08 PM  
To: 'Tom Shapiro'  
Subject: RE: Gillette

Tom, I do appreciate you reaching out to me by email today. However, your statement that a hotel meeting room was incapable of handling a conference call seemed a little unusual to me, so I took the liberty of calling the Omni Parker House just now to investigate. Specifically, I just hung up the phone with Stan Pendrak, the catering manager of the Omni Parker House located at 60 State Street. His direct telephone number at the hotel is (617) 725-1669. I asked him whether the Longfellow Conference room at the hotel (which is where we were informed the meeting was scheduled to take place) can accommodate a speaker phone for a conference call. He said of course, and sounded a little surprised that I would ask that question. He said the charge for the Longfellow room itself would be \$350, and the charge for the phone line rental would be \$100, and there would be an additional \$100 charge for a speaker that the hotel would set up set up to go along with the phone line. He sounded like he might be willing to lower the prices because he asked me whether I also am speaking with other hotels. Nonetheless, I am willing to put this incident behind us, and move forward. As an aside, I think it makes sense for us to have a meeting on January 22, the day before the hearing. What do you think? Regards, Taras.

Taras Kick  
The Kick Law Firm, APC  
660 S. Figueroa Street, Suite 1800  
Los Angeles, CA 90017  
Phone: (213) 624-1588  
Fax: (213) 624-1589

-----Original Message-----

From: Tom Shapiro [mailto:TSHAPIRO@shulaw.com]  
Sent: Wednesday, January 04, 2006 8:00 AM  
To: Taras Kick  
Subject: RE: Gillette

Dear Taras:

I explained to the person who called that the meeting was in a hotel meeting room and I couldn't arrange a conference call from there. It was not a question of not being allowed.

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Shapiro Haber & Urmy LLP  
Exchange Place  
53 State St.  
Boston MA 02109  
(617) 439-3939  
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tshapiro@shulaw.com

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-----Original Message-----

From: Taras Kick [mailto:taras@kicklawfirm.com]

Sent: Tuesday, December 20, 2005 5:20 PM

To: A Kanner; hyoung@abbeygardy.com; Jnotis@abbeygardy.com; Adroblaw@aol.com; alxfen@aol.com; Ldrurylaw@aol.com; ReggieT2@aol.com; esmith@brodsky-smith.com; mackerman@brodsky-smith.com; DonaldAmamgbo@citycom.com; olendodd@earthlink.net; dpastor@gilmanpastor.com; Tom@hbsslaw.com; Bcutter@kcrlegal.com; mtamblyn@kcrylaw.com; James Strenio; rrothman@lerachlaw.com; dmiller@muchshelist.com; skanner@muchshelist.com; Tom Shapiro; ken@quatlaw.com; alankovacs@yahoo.com; herman\_cowanjr@yahoo.com; Lance Harke; b.barnow@barnowlaw.com; avozzolo@faruqilaw.com; hbushman@harkeclasby.com; kwexler@wexlerfirm.com  
Subject: RE: Gillette

We told organizers of the meeting we would participate by phone, but were told we would not be allowed. When asked why not, were not given a reason.

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